IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 11729 of 2007(U)

PETITIONER:

K.M.ANTONY, KALLUPURAKAL HOUSE,
THAIKATTUSSERY P.O., CHERTHALA.

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENTS:

1. THE DISTRICT EXECUTIVE OFFICER,
   KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
   ALAPPUZHA.

2. THE DEPUTY TAHSILDAR (RR),
   TALUK OFFICE, CHERTHALA, ALAPPUZHA.

BY G.P.SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.11729 of 2007

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Dated this the 10th day of April, 2007

J U D G M E N T

The petitioner filed this writ petition challenging the proceedings for recovery of the contributions under the Kerala Motor Transport Workers' Welfare Fund Act on the premise that no final determination order has been served on the petitioner. Now the learned standing counsel appearing for the 1st respondent places before me copies of the provisional determination order, final determination order and the proof of the same having been served on the petitioner. As such, the writ petition is liable to be dismissed with costs. However, the learned counsel for the petitioner seeks permission to withdraw all the contentions and to pay the amount demanded in instalments.

2. I have heard the learned counsel for the petitioner, the learned Standing Counsel appearing

for the 1st respondent and the learned Government Pleader.

3. In the facts and circumstances of the case, I direct the respondents to allow the petitioner to pay the balance amount due in six equal monthly instalments starting from 1.5.2007. If the petitioner pays the instalments in time, further recovery proceedings pursuant to Ext.P3 shall be kept in abeyance. However, if the petitioner makes default in payment of even one instalment, the respondents would be free to continue the proceedings now initiated by Ext.P3 without having to issue any further notice or proceedings in that regard.

Writ petition is disposed of as above.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.